

Summary of Enacted Legislation **2018**

Prepared by the Judicial Council/
Administrative Office of the Courts
Governmental and Trial Court Liaison



Published by the Office of Governmental and Trial
Court Liaison of the Judicial Council of Georgia/
Administrative Office of the Courts

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FOREWORD

The *Summary of Enacted Legislation* provides summaries of bills and resolutions that are pertinent to the judiciary passed by the 154th Georgia General Assembly during the 2018 Regular Session.

This publication organizes the summaries in numerical order based on their subject matter. For bills that were vetoed, the veto message, as provided by Governor Nathan Deal, is included with the bill summary and are categorized in the “Vetoed by the Governor” section.

The *Summary of Enacted Legislation* is intended to be a convenient reference guide. Please note: a bill summary should not be used as the definitive source of legal interpretation. For detailed information, the Act itself should be examined.

Last, but certainly not least, the Judicial Council/Administrative Office of the Courts would like to thank our 2018 Legislative Interns – Brandon Liu and Taylor Black – for their contributions during the legislative session.

SUMMARY OF THE 2018 REGULAR SESSION

The 2018 Regular Session of the 154th Georgia General Assembly convened on January 8, 2018, and adjourned Sine Die on March 29, 2018. As the second year of the biennium, several legislative topics carried over from last year and many others were introduced for the first time. Among the topics considered by legislators this year were comprehensive reforms to the adoption process, continued expansion of medical marijuana, public transit, and rural access to broadband internet.

A number of bills that affect the judiciary were passed including the budget for Fiscal Year 2019, proposed constitutional amendments to create a statewide business court and expand victims' rights, reforms to the State Office of Administrative Hearings as recommended by the Court Reform Council, updates to garnishment practices, and a new distracted driving law. The final pieces of Governor Nathan Deal's criminal justice reform initiative were also passed during this session.

Four Judicial Council-supported bills received final passage: HB 571, HB 654 (by way of SB 427), SB 407, and SB 436. HB 571 revises some aspects Magistrates Retirement Fund. HB 654 makes the use of multiple worksheets optional rather than mandatory in cases in which there is more than one child and there is a likelihood that a child will become ineligible to receive support within two years of a final order being entered. This bill was incorporated into the text of SB 427 in order to receive final passage. SB 407 provides for various criminal justice reforms and included substantial changes to how judges handle bail decisions in misdemeanor cases and the establishment of mandatory civil e-filing in superior and state courts. SB 436 will clean up various provisions related to the filling of probate judge vacancies.

To view the legislative summaries of all bills tracked by the Judicial Council/Administrative Office of the Courts, please visit us at: legislation.georgiacourts.gov.

To view all bills introduced during the General Assembly's 2018 session, go to www.legis.ga.gov/.

To view the bills signed by the governor in 2018, visit <https://gov.georgia.gov/legislation/2018>.

BUDGET

HB 683 – Supplemental appropriations; State Fiscal Year July 1, 2017 – June 30, 2018

House Author: Speaker David Ralston (R – Blue Ridge)

Senate Sponsor: Sen. Jack Hill (R – Reidsville)

HB 683 is the Supplemental Budget for State Fiscal Year 2018 (July 1, 2017 – June 30, 2018).

To view the budget as passed by the General Assembly, please click [here](#).

Signed by the Governor: March 9, 2018

Effective Date: March 9, 2018

Statewide changes for AFY 2018 include reductions to reflect adjustments in merit system assessments and increases to reflect adjustments in agency premiums for Department of Administrative Services administered self-insurance programs. Highlights of the AFY 2018 budget (state funds) include the following:

Court of Appeals

- Increase funds for personnel to reflect increased daily allowance days for judges who reside 50 or more miles from the Judicial Building in accordance with HB5 (2017 Session). - **\$20,760**
- Reduce funds for personnel based on actual start dates for new positions. - **(\$53,752)**

Judicial Council

Council of Accountability Court Judges

- No changes other than statewide.

Judicial Council

- No changes other than statewide.

Institute of Continuing Judicial Education

- Reduce funds to reflect savings. - **(\$12,617)**

Judicial Qualifications Commission

- Reduce funds to reflect savings in personal services. - **(\$100,000)**

Juvenile Courts

Council of Juvenile Court Judges

- No changes other than statewide.

Superior Courts

Superior Court Judges

- Increase funds for county reimbursement of Habeas Corpus court costs pursuant to HB319 (2017 Session) - **\$30,000**
- Increase funds for the accountability court supplement in the Lookout Mountain Circuit effective October 1, 2017 and the Oconee Circuit effective December 1, 2017. (S and CC: Increase funds to provide an accountability court supplement for judges in newly established accountability courts in the Lookout Mountain and Oconee Judicial Circuits upon their certification by the Council of Accountability Court Judges) - **\$16,530**
- Eliminate funds for one-time funding for equipment for the Clayton Circuit judgeship created in HB804 (2016 Session). - **(\$15,125)**
- Reduce funds for personnel based on actual start dates for new positions. - **(\$78,442)**

Supreme Court

Supreme Court of Georgia

- Increase funds for a salary adjustment for the Georgia State Patrol trooper assigned to the Supreme Court. State General Funds - **\$1,263**
- Increase funds for personnel to reflect increased daily allowance days for judges who reside 50 miles or more from the Judicial Building in accordance with HB5 - **\$2,595**

BUDGET cont.

[HB 684 - General appropriations; State Fiscal Year July 1, 2018 - June 30, 2019](#)

House Author: Speaker David Ralston (R – Blue Ridge)
Senate Sponsor: Sen. Jack Hill (R – Reidsville)

HB 684 is the Budget for State Fiscal Year 2019 (July 1, 2018 – June 30, 2019).

To view the budget as passed by the General Assembly, please click [here](#).

Signed by the Governor: May 2, 2018
Effective Date: July 1, 2018

Statewide changes for FY 2019 include reductions to reflect adjustments in merit system assessments, adjustments in agency premiums for Department of Administrative Services administered self-insurance programs, adjustments for Teamworks billings and adjustments for unemployment insurance billings to reflect claims expenses. Highlights of the FY 2019 budget (state funds) include the following:

Court of Appeals

- Increase funds to annualize increase in daily allowance days for judges who reside 50 miles or more from the Judicial Building in accordance with HB 5 (2017 Session). -**\$20,760**
- Increase funds to annualize central staff attorney position effective January 1, 2018. -**\$80,720**
- No change in funds for one full-time central staff attorney position effective July 1, 2018.
- Increase funds for software maintenance for Laserfiche Workflow System. - **\$11,928**
- Eliminate funds for one-time purchase of furniture and equipment for central staff positions. - **(\$31,230)**
- Eliminate funds for one-time funding to scan and digitize existing fiscal records. -**(\$55,000)**
- No increase in funds for information technology expenses related to the new Judicial Building. (Reflected in HB 683, 2018 Session.)
- Increase funds to purchase 30 additional licenses for disaster recovery backup software. -**\$35,000**
- Increase funds for one-year subscription for online cyber security training program. -**\$2,550**
- The Court of Appeals shall collaborate with the Supreme Court to study the financial impact and operational efficiencies gained from the sharing of administrative services, including but not limited to human resources, informa-

tion technology, procurement, and accounts payable, and provide a report of their findings to the House and Senate Appropriations Committees by December 1, 2018.

Judicial Council

Council of Accountability Court Judges

- Increase funds for one certification officer position. - **\$77,062**

Georgia Office of Dispute Resolution

- No changes

Institute of Continuing Judicial Education

- Increase funds for one electronic media curriculum project coordinator. - **\$34,571**

Judicial Council

- Increase funds for the Court Process Reporting System (CPRS). - **\$11,274**
- Increase funds for one information security officer position and associated operating funds. - **\$152,015**

Judicial Qualifications Commission

- No changes other than statewide.

Resource Center

- No changes

Juvenile Courts

Council of Juvenile Court Judges

- Provide funds for a Children in Need of Services (CHINS) statewide coordinator position. - **\$111,700**
- Provide funds for judicial assistance for the Family Treatment Court Initiative pursuant to SB 174 (2017 Session). - **\$200,000**
- No increase in funds for one Juvenile Detention Alternative Initiative (JDAI) statewide coordinator position.
- Grants to Counties for Juvenile Court Judges*
- Increase funds to reflect an adjustment in the employer share of the Judicial Retirement System from 7.17% to 7.83%. - **\$104,051**
- Increase funds for the Northeastern Judicial Circuit to reflect the new superior court judgeship effective January 1, 2018. - **\$25,000**

BUDGET cont.

Superior Courts

Council of Superior Court Judges

- No changes other than statewide.

Judicial Administrative Districts

- No changes other than statewide.

Superior Court Judges

- Increase funds to reflect an adjustment in the employer share of the Judicial Retirement System from 7.17% to 7.83%. - **\$186,098**
- Increase funds to annualize the cost of the new judgeship created in the Northeastern Circuit pursuant to HB 138 (2017 Session). - **\$193,903**
- No increase in funds for the creation of one additional judgeship in the Cobb Circuit effective July 1, 2018.
- No increase in funds to provide funds for a salary increase for law clerk positions.
- Provide funds for five law clerk positions. - **\$342,746**
- Provide funds for the accountability court supplement in the Lookout Mountain and Oconee Judicial Circuits. - **\$63,392**
- Increase funds for county reimbursement of Habeas Corpus court costs per HB 319 (2017 Session). - **\$50,000**
- Eliminate one-time funds for equipment in the Clayton Circuit judgeship created in HB 804 (2016 Session). - **(\$30,250)**

Supreme Court

- Increase funds for a salary adjustment for the Georgia State Patrol trooper assigned to the Supreme Court. - **\$1,263**
- Increase funds to reflect increased daily allowance days for judges who reside 50 miles or more from the Judicial Building in accordance with HB 5 (2017 Session). - **\$2,595**
- Increase funding for WestLaw online research expenses. - **\$2,400**
- Increase funds for population-based membership dues in the National Center for State Courts. - **\$14,030**
- Provide funds for one additional staff attorney for each justice. (CC: Increase funds for a judicial clerkship program.) - **\$1,256,181**
- Provide funds for one procurement and facilities coordinator position. - **\$76,879**
- Provide funds for one intake clerk position. - **\$60,163**
- No increase in funds for information technology expenses related to the new Judicial Building. (Reflected in HB 683, 2018 Session.)
- The Supreme Court shall collaborate with the Court of Appeals to study the financial impact and operational efficiencies gained from the sharing of administrative services, including but not limited to human resources, information technology, procurement, and accounts payable, and provide a report of their findings to the House and Senate Appropriations Committees by December 1, 2018.

COMPENSATION/RETIREMENT

HB 571 – Magistrates Retirement Fund; member in arrears for dues payments for 90 days shall be suspended; provisions

House Author: Rep. Sam Watson (R – Moultrie)

Senate Sponsor: Sen. Ellis Black (R – Valdosta)

HB 571 amends Chapter 25 of Title 47 of the O.C.G.A. regarding eligibility and survivors' benefits for the Magistrates Retirement Fund. If a member of the Fund is in arrears for dues payments, he or she will become a suspended member on the 90th day. He or she can apply for reinstatement during the 30-day period of the next full office term and will not receive service credit while suspended. In addition, instead of receiving retirement benefits, the member can ask for a 100 percent joint life annuity, a joint and survivor annuity for 50% of the monthly retirement benefit, or the amount of the retirement benefit payable under the code section. If the stipulations change and the individual applying for retirement wishes to change conditions related to their designated survivor or spouse they can do so in writing to the Board.

Signed by the Governor: May 3, 2018

Effective Date: July 1, 2018

SB 369 – Revenues Collected from Fines and Fees; payments to Peace Officers' Annuity and Benefit Fund; fees collected in criminal and quasi-criminal cases prior to adjudication of guilt; provide

Senate Author: Sen. Greg Kirk (R – Americus)

House Sponsor: Rep. Bert Reeves (R – Marietta)

SB 369 amends Code Section 15-18-80 and Article 4 of Chapter 17 of Title 47 of the O.C.G.A. to allow clerks of court to collect a five-dollar fee when a person enrolls in a pre-trial diversion program and submit those monies to the Peace Officers' Annuity and Benefit Fund.

Signed by the Governor: May 8, 2018

Effective Date: July 1, 2018

COURTS

[HB 65 – Low THC Oil Patient Registry; conditions and eligibility; change provisions](#)

House Author: Rep. Allen Peake (R – Macon)
Senate Sponsor: Sen. Matt Brass (R – Newnan)

HB 65 creates a joint study commission to investigate the cultivation, harvesting, distribution, and safety of low THC oil. The bill also adds post-traumatic stress disorder and intractable pain to the list of conditions that can be treated with low THC oil.

Signed by the Governor: May 3, 2018
Effective Date: July 1, 2018

[HB 121 – Trusts; minor or unborn beneficiaries; change provisions](#)

House Author: Rep. Chuck Efration (R – Dacula)
Senate Sponsor: Sen. Jesse Stone (R – Waynesboro)

HB 121 amends Article 8 of Chapter 6 of Title 44 and Chapter 12 of Title 53 of the O.C.G.A. by revising and modernizing law relating to trusts. The bill allows trusts to exist for a longer period of time, changes provisions relating to the validity of a non-invested property interest, changes provisions relating to minors and unborn beneficiaries, provides for non-judicial settlement agreements, changes provisions to the transfer of property, changes provisions relating to the ability to modify and terminate non-charitable trusts and to provide for distribution of trust property to another trust, changes provisions relating to uneconomic trust modification and termination, and repeals provisions relating to division, consolidation, and termination of trusts. The bill also changes provisions relating to the appointment and vacancies of trustees, provisions relating to the compensation and extra compensation of trustees, provisions relating to the resignation of a trustee, provisions relating to a qualified beneficiary who is not sui juris, provisions relating to powers of trustees, and provides for trust directors.

Signed by the Governor: May 3, 2018
Effective Date: July 1, 2018

[HB 190 – Domestic relations; marriage articles and antenuptial agreements; change provisions](#)

House Author: Rep. Meagan Hanson (R – Brookhaven)
Senate Sponsor: Sen. Blake Tillery (R – Vidalia)

HB 190 amends Chapter 3 of Title 19 of the O.C.G.A. by defining antenuptial agreements and requiring that they be in writing and signed by both parties with at least two witnesses, one of whom is a notary. HB 190 clarifies two instances in which antenuptial agreements may be enforced. Lastly, HB 190 removes sections (a) and (b) of 19-3-62 and 19-3-68, and the last lines (58-59) of 19-3-65 stating that the clerk of superior court should have the proceedings of each case in the book of minutes.

Signed by the Governor: May 3, 2018
Effective Date: July 1, 2018

[HB 657 – Firearms; providing to person on probation as a felony first offender; make unlawful](#)

House Author: Rep. Jesse Petrea (R – Savannah)
Senate Sponsor: Sen. Ben Watson (R – Savannah)

HB 657 amends Part 1 of Article 4 of Chapter 11 of Title 16 of the O.C.G.A. It makes it a felony to knowingly and intentionally provide a firearm to a person who is on probation as a felony first offender or to any person who has been convicted of a felony by a court in this state or in any other state. This is punishable by one to five years imprisonment for a first offense and five to ten years for subsequent offenses. The firearm provider is not required to affirmatively confirm that the person is not a felony first offender or has been convicted of a felony. In addition, this provision would not apply to anyone who provides a firearm to a person who has been pardoned.

Signed by the Governor: May 7, 2018
Effective Date: July 1, 2018

COURTS cont.

[HB 732 – Crimes and offenses; trafficking an individual for sexual servitude; provisions](#)

House Author: Rep. Deborah Silcox (R – Sandy Springs)
Senate Sponsor: Sen. Renee Unterman (R – Buford)

HB 732 amends Code Section 16-5-46 of the O.C.G.A. by providing for a felony offense for patrons of individuals trafficked for the purpose of sexual servitude, with imprisonment for 5-20 years when the offense is committed against an individual who is older than 16 years of age and imprisonment for 10-20 years when committed against an individual who is younger than 16 years of age or when the individual is known to have a developmental disability.

Signed by the Governor: May 7, 2018
Effective Date: July 1, 2018

[HB 790 – State government; recommendations of the Court Reform Council; implement](#)

House Author: Rep. Chuck Efstoration (R – Dacula)
Senate Sponsor: Sen. Brian Strickland (R – McDonough)

HB 790 amends Chapter 13 of Title 50 of the O.C.G.A. to implement recommendations made by the Court Reform Council to improve efficiency and achieve best practices in the administration of justice. These include (1) requiring agencies to forward hearing requests to the Office of State Administrative Hearings (Office) within a period of reasonable time not to exceed 30 days and if the agency fails to do so, the party requesting the hearing may petition the Office for an order permitting such party to file a request for a hearing directly with the Office, (2) allowing administrative law judges to impose civil penalties of no less than \$100.00 and no more than \$1,000.00 for failing to obey any lawful process or order of the judge or any rule or regulation in this code, for any indecorous or improper conduct committed in the presence of the judge, or for submitting pleadings or paper for an improper purpose or containing frivolous arguments or arguments with no evidentiary support, (3) allowing administrative law judges to issue final decisions, and (4) giving these judges the power to enforce subpoenas and sanction parties.

Signed by the Governor: May 8, 2018
Effective Date: May 8, 2018

[HB 803 – Crimes and offenses; trafficking a disabled adult, elder person, or resident; prohibit](#)

House Author: Rep. Wendell Willard (R – Sandy Springs)
Senate Sponsor: Sen. Kay Kirkpatrick (R – Marietta)

HB 803 amends Article 8 of Chapter 5 of Title 16 of the O.C.G.A. to create the new Code Section 16-5-102.1, which creates the offense of trafficking a disabled adult, elder person, or resident for the purpose of appropriating resources of such person. The section defines ‘Coercion’, ‘Deception’, ‘Exploitation’, and ‘Isolation’ as they pertain to this offense. An individual commits this offense when such individual, through deception, coercion, exploitation, or isolation, knowingly recruits, harbors, transports, provides, or obtains by any means a disabled adult, elder person, or resident for the purpose of appropriating the resources of said person. Such offense will be a felony punishable for 5-20 years imprisonment, a \$100,000 fine, or both; the penalty for imprisonment is increased when more than two victims are involved.

Signed by the Governor: May 7, 2018
Effective Date: July 1, 2018

[HB 890 – Crimes and offenses; make it unlawful to use an emergency exit after having shoplifted](#)

House Author: Rep. Barry Fleming (R – Harlem)
Senate Sponsor: Sen. Jesse Stone (R – Waynesboro)

HB 890 amends Article 2 of Chapter 11 of Title 16 of the O.C.G.A. to make using an emergency exit after having shoplifted punishable as a separate misdemeanor.

Signed by the Governor: May 3, 2018
Effective Date: July 1, 2018

[HB 897 – Georgia Power of Attorney Act; revise](#)

House Author: Rep. Chuck Efstoration (R – Dacula)
Senate Sponsor: Sen. John Kennedy (R – Macon)

HB 897 amends Chapter 6B of Title 10 of the O.C.G.A., relating to the “Uniform Power of Attorney Act.” It changes the title to the “Georgia Power of Attorney Act”; defines important terms; includes any delegation of voting, management, or similar rights related to the governance and

COURTS cont.

administration of an entity or business as an exception to the powers of attorney; clarifies the incapacity of a principal; explains the roles and actions of agents; and defines the circumstances where a petition for the construction of power of attorney is made.

Signed by the Governor: May 7, 2018

Effective Date: July 1, 2018

HB 904 – Torts; effect of a landowner charging an admission price or fee; clarify provisions

House Author: Rep. Meagan Hanson (R – Brookhaven)

Senate Sponsor: Sen. Blake Tillery (R – Vidalia)

HB 904 amends Code Section 51-3-25 of the O.C.G.A. It would allow a suit to be brought against the owner of land for recreational use whenever a fee is charged on the date of injury on that land, regardless of whether the injured person is specifically charged a fee, so long as the individual is on the land lawfully and injured in connection with the recreational use.

Signed by the Governor: May 8, 2018

Effective Date: July 1, 2018

HR 993 – Business court; state-wide jurisdiction; create – CA

House Author: Rep. Chuck Efstoration (R – Dacula)

Senate Sponsor: Sen. Brian Strickland (R – McDonough)

HR 993 proposes an amendment to Article VI of the Constitution by revising Sections I, II, III, and VII to create a statewide business court. This would not prevent the ability of a judicial circuit to create a business court division of the superior court. Superior courts have the authority to move a case to the statewide business court if the parties involved agree. The business court will have statewide jurisdiction. Venue for cases before a statewide business court will be in the county in which the defendant resides. Pretrial proceedings of cases before a state-wide business court can take place in any county. All statewide business court judges shall serve terms of five years with no term limits and shall be appointed by the Governor, subject to approval by majority vote of the Senate and House Judiciary Committees.

Signed by the Governor: May 6, 2018

Effective Date: The provisions of the amendment will become effective as provided for by law.

SB 127 – Failure to Provide Notice Not Rendering Responsible Person Liable; victim to file a motion in a criminal case to assert his or her rights; allow

Senate Author: Sen. John Kennedy (R – Macon)

House Sponsor: Rep. Rich Golick (R – Smyrna)

SB 127 is designed to protect the rights of victims in criminal cases by amending Code Section 17-17-15 of the O.C.G.A., related to the failure to provide notice not rendering responsible person liable or comprising a basis for error. The bill would let victims assert their rights by allowing them to file a motion to the court asking for a hearing to call attention on how their rights may have been violated due to a lack of proper notice during a criminal proceeding.

Signed by the Governor: May 8, 2018

Effective Date: January 1, 2019, provided that a constitutional amendment (SR 146) providing certain rights to victims against whom a crime has allegedly been perpetrated and allowing victims to assert such rights is ratified by voters in the November 2018 General Election.

SB 131 – Juvenile Code; adoption proceedings be stayed while an appeal to terminate parental rights is pending; provide

Senate Author: Sen. Blake Tillery (R – Vidalia)

House Sponsor: Rep. Mandi Ballinger (R – Canton)

SB 131 amends Article 1 of Chapter 11 of Title 15 of the O.C.G.A. by revising Code Section 15-11-35 by specifying that orders granting a petition to terminate parental rights shall stay an adoption proceeding until the petition becomes final, except for proceedings in connection with adoption. The court would continue hearings and issue orders while the appeal is still pending. Additionally, SB 131 includes language from SB 130, to amend a child's right to waive counsel by only allowing the child to waive their right, "provided that such waiver is made knowingly, voluntarily, and on the record."

Signed by the Governor: May 8, 2018

Effective Date: July 1, 2018

COURTS cont.

[SB 194 – Garnishment Proceedings; maximum part of disposable earnings subject to garnishment; change](#)

Senate Author: Sen. Jesse Stone (R – Waynesboro)

House Sponsor: Rep. Barry Fleming (R – Harlem)

SB 194 amends Chapter 4 of Title 18 of the O.C.G.A. relating to garnishment proceedings. It changes the maximum amount of disposable earnings subject to garnishment and disallows a defendant from presenting evidence, making an argument, or prevailing on a claim that the garnishment may be subject to a claim by a third party. The bill also removes the requirement that an affidavit of garnishment be submitted to and approved by the judge, or by the clerk or deputy clerk if the court has promulgated rules authorizing such approval.

Signed by the Governor: May 8, 2018

Effective Date: May 8, 2018

[SB 321 – Medicaid Claims; false or fraudulent; recover the maximum penalty authorized by federal law; increase the civil penalties](#)

Senate Author: Sen. Blake Tillery (R – Vidalia)

House Sponsor: Rep. Beth Beskin (R – Atlanta)

SB 321 amends Code Section 49-4-168.1 of the O.C.G.A. It makes civil penalties for false or fraudulent Medicaid claims consistent with the civil penalties under the federal False Claims Act.

Signed by the Governor: May 3, 2018

Effective Date: May 3, 2018

[SB 407 – Criminal Justice System; comprehensive reform for offenders; provide](#)

Senate Author: Sen. Brian Strickland (R – McDonough)

House Sponsor: Rep. Chuck Efstrotation (R – Dacula)

SB 407 provides for recommendations made by the Georgia Council on Criminal Justice Reform to promote an offender's successful reentry into society. It includes provisions relating to civil e-filing, criminal justice data exchange, juvenile data exchange, misdemeanor bail reform, limited driving permits, and ignition interlock devices. The Reform Council continued to make reforms to professional licens-

ing laws as well as misdemeanor and felony probation, and defines what activities and organizations may qualify for community service credit. Enhanced penalties for certain firearm offenses are also contained in the bill. The bill also includes language from HB 15, relating to mandatory civil electronic filing and payments in superior and state courts.

Signed by the Governor: May 7, 2018

Effective Date: July 1, 2018. The provisions regarding e-filing will go into effect January 1, 2019.

[SB 427 – Child Support in Final Verdict or Decree; court's discretion in making a final determination of support; provisions; change](#)

Senate Author: Sen. John Kennedy (R – Macon)

House Sponsor: Rep. Katie Dempsey (R – Rome)

SB 427 amends Code Section 19-6-15 of the O.C.G.A. changing provisions relating to the court's discretion in making final determinations of child support. Courts shall take into account obligor's earnings, income, and other evidence of ability to pay as well as the basic subsistence needs of the parents and child. If income records do not exist, factors such as assets, residence, employment, job skills, literacy, health, etc. shall be taken into account when imputing income. A nonspecific deviation can be used when the court or jury finds the noncustodial parent has a limited ability to pay the presumptive amount of child support. Determination of employment status will not be made when the individual's incarceration prevents employment. Changes were also made allowing the court to order parents to obtain other health insurance for the child even if they are already enrolled in a public health care program. The final version of this bill includes language from HB 654, relating to the filing of multiple worksheets in cases with more than one child where one child may become ineligible for support over the next two years.

Signed by the Governor: May 8, 2018

Effective Date: Part I on July 1, 2018; Part II on October 1, 2018

COURTS cont.

SB 436 – Probate Courts; general provisions; change and modernize

Senate Author: Sen. Brian Strickland (R – McDonough)

House Sponsor: Rep. Barry Fleming (R – Harlem)

SB 436 amends Chapter 9 of Title 15 of the O.C.G.A. to make general substantive and technical changes to the probate courts statutes. It includes provisions relating to required training courses, the appointment of associate probate judges, bond, the filling of vacancies, the authority of retired judges to perform marriage ceremonies, and the appointment and duties of clerks.

Signed by the Governor: May 3, 2018

Effective Date: July 1, 2018

SR 146 – Certain Rights for Victims; suffered or harmed due to an act committed; in violation of the criminal juvenile delinquency laws; provide – CA

Senate Author: Sen. John Kennedy (R – Macon)

House Sponsor: Rep. Rich Golick (R – Smyrna)

SR 146 proposes a constitutional amendment providing several rights to victims of criminal acts or to representatives of those victims.

Signed by the Governor: May 8, 2018

Effective Date: Upon approval by public referendum.

GENERAL

HB 61 – Sales and use tax; certain retailers to either collect and remit or notify purchaser and state; require

House Author: Rep. Jay Powell (R – Camilla)
Senate Sponsor: Sen. Chuck Hufstetler (R – Rome)

HB 61 amends Code Section 48-8-2 of the O.C.G.A. relating to state sales and use tax by adding a new subsection that defines “delivery retailers” as any retailer that, in the previous or current calendar year, obtains a gross revenue exceeding \$250,000 or conducts 200 or more separate transactions from the sale of tangible personal property that is physically or electronically delivered into the state. The definition of “dealer” is also expanded to include the same language. The bill further states that the Department of Revenue can an action for declaratory judgment against any person it believes meets this definition in order to establish that the relevant collection provisions are applicable. Such declaratory judgments will be made in superior court.

Signed by the Governor: May 3, 2018
Effective Date: January 1, 2019

HB 79 – Law enforcement; retaining license plate data obtained from automated license plate recognition systems beyond certain periods; prohibit

House Author: Rep. John Pezold (R – Columbus)
Senate Sponsor: Sen. John Albers (R – Alpharetta)

HB 79 amends Chapter 1 of Title 35 of the O.C.G.A. It prohibits law enforcement from retaining license plate data obtained from automated license plate recognition systems beyond 30 months. It also allows law enforcement to exchange or share captured license plate data with other law enforcement agencies.

Signed by the Governor: May 8, 2018
Effective Date: July 1, 2018

HB 150 – State Road and Tollway Authority; failure to pay tolls; place hold on motor vehicle registration

House Author: Rep. Alan Powell (R – Macon)
Senate Sponsor: Sen. Mike Dugan (R – Carrollton)

HB 150 amends Code Section 32-10-64 and 48-7-161 of the O.C.G.A. by allowing the State Road and Tollway Authority to garnish income tax refunds in order to offset the debt owed by toll violators who have not responded to attempts by the authority to collect toll payments. The bill also extends the use of the Consumer Price Index (CPI) for indexing the excise rate on motor fuels.

Signed by the Governor: May 3, 2018
Effective Date: July 1, 2018

HB 159 – Domestic relations; adoption; substantially revise general provisions

House Author: Rep. Bert Reeves (R – Marietta)
Senate Sponsor: Sen. Jesse Stone (R – Waynesboro)

HB 159 amends Chapter 8 of Title 19 of the O.C.G.A. to make comprehensive reforms to adoption in Georgia. The bill lowers the age requirement for family/marriage adoptions and reduces several waiting periods such as reducing the time period for revocation of the surrender of parental rights from ten to four days. The bill also allows for payment of living expenses to the biological parents while also adding new protections against inducements. HB 159 adds language from HB 359 of 2017. This section of the bill allows parents to delegate power of attorney and thereby caregiving authority to certain, approved individuals. This delegation can last no longer than a year unless extended. The bill further stipulates various requirements to which non-profit and faith-based agencies preforming this power of attorney service must adhere.

Signed by the Governor: May 3, 2018
Effective Date: September 1, 2018

GENERAL cont.

[HB 344 – Paternity; parties beyond movants in a child support case request a genetic test; allow](#)

House Author: Rep. Katie Dempsey (R – Rome)

Senate Sponsor: Sen. Greg Kirk (R – Americus)

HB 344 amends Code Section 19-7-54 of the O.C.G.A. to revise subsection (d), allowing for a party who is involved in the Department of Human Services' (DHS) enforcement to request a genetic test from the DHS. The DHS can deny the request in certain circumstances. If the nonrequesting individual does not agree to a genetic test, the requestor may petition the court to test other appropriate individuals.

Signed by the Governor: May 3, 2018

Effective Date: July 1, 2018

[HB 381 – Abandoned Mobile Home Act; enact](#)

House Author: Rep. John Corbett (R – Lake Park)

Senate Sponsor: Sen. John Kennedy (R – Macon)

HB 381 amends Chapter 7 of Title 44 of the O.C.G.A. to enact the Abandoned Mobile Home Act, providing a process by which jurisdictions and landowners may assess, remove, restore and/or dispose of abandoned mobile homes. Jurisdiction over these cases are placed within the magistrate court.

Signed by the Governor: May 7, 2018

Effective Date: May 1, 2019

[HB 475 – Charitable solicitations; use of collection receptacles for donations; implement additional requirements](#)

House Author: Rep. Buddy Harden (R – Cordele)

Senate Sponsor: Sen. Greg Kirk (R – Americus)

HB 475 amends Chapter 17 of Title 43 of the O.C.G.A. to add new subsections to Code Section 43-17-8.1, which provides additional requirements for use of collection receptacles for donations. Any person placing a receptacle must have the written and notarized consent of the property owner(s), and must provide written notification to any tenants of the placement. The written and notarized permission must be filed with the Secretary of State. In addition, operator is required to properly maintain the collection receptacle and ensure that donations are not present for more than 48

hours. The landowner can revoke permission at any time, and the individual placing the receptacle will then have 30 days to remove it or the landowner can remove it without penalty and charge or bring civil action against said individual for any incurring costs or damages.

Signed by the Governor: May 3, 2018

Effective Date: July 1, 2018

[HB 670 – Georgia State Council for Interstate Juvenile Supervision; number of legislative branch representatives; revise](#)

House Author: Rep. Alan Powell (R – Macon)

Senate Sponsor: Sen. Jesse Stone (R – Waynesboro)

HB 670 amends Chapter 4B of Title 49 of the O.C.G.A. It revises the number of legislative branch representatives and judicial branch representatives on the Georgia State Council for Interstate Juvenile Supervision. The Speaker of the House of Representatives and the President of the Senate will each be allowed to appoint one legislative branch representative while the Chief Justice of the Supreme Court will be allowed to appoint one judicial branch representative.

Signed by the Governor: May 3, 2018

Effective Date: If a legislative branch representative is appointed and serving on the Georgia State Council for Interstate Juvenile Supervision on June 30, 2018, then effective upon the termination of his or her term of service; otherwise, July 1, 2018

[HB 763 – Education; student attendance protocol committees to school climate; expand](#)

House Author: Rep. Randy Nix (R – LaGrange)

Senate Sponsor: Sen. Matt Brass (R – Newnan)

HB 763 amends Subpart 2 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A. to expand the scope of school attendance protocol committees, established by the chief judge of each judicial circuit, to include school climate. These committees will study various performance measures and make recommendations to improve the general climate of schools. It also amends Article 27 of Chapter 2 of Title 20 to provide for coordination with local law enforcement agencies and the juvenile court system in school safety plans.

Signed by the Governor: May 8, 2018

Effective Date: July 1, 2018

GENERAL cont.

HB 830 – Controlled substances; Schedule I and II; change certain provisions

House Author: Rep. Buddy Harden (R – Cordele)
Senate Sponsor: Sen. Greg Kirk (R – Americus)

HB 830 amends Chapter 13 of Title 16 of the O.C.G.A. to update Schedule I and Schedule II drugs to be in compliance with updated federal standards.

Signed by the Governor: May 3, 2018

Effective Date: May 3, 2018

HB 834 – Landlord and tenant; termination of a rental or lease agreement under circumstances involving family violence; provide

House Author: Rep. Mandi Ballinger (R – Canton)
Senate Sponsor: Sen. Jesse Stone (R – Waynesboro)

HB 834 amends Code Section 19-13-3 and Chapter 7 of Title 44 of the O.C.G.A. to allow a tenant who has received a criminal or civil family violence order to terminate his or her lease by providing his or her landlord with written notice and a certified copy of such order. The tenant is still liable for the rent prorated until the effective termination date, as well as any delinquent or unpaid rent owed to the landlord prior to the termination. However, the tenant is not liable for any other fees, rent, or damages due to the early termination, and if all terms of the agreement are followed, the tenant is entitled to the return of his or her security deposit and last month's rent. Includes language from SB 443 dealing with security deposits. Tenants who did not inspect the premises after vacancy or were not present for the landlord's inspection and, in either case, did not request a copy of the landlord's final damage list shall have the right to dispute the damages assessed by the landlord.

Signed by the Governor: May 8, 2018

Effective Date: July 1, 2018

HB 856 – Board of Public Safety; add commissioner of community supervision

House Author: Rep. John Deffenbaugh (R – Lookout Mountain)
Senate Sponsor: Sen. Tyler Harper (R – Ocilla)

HB 856 amends Code Section 35-2-1 of the O.C.G.A. to add the Commissioner of Community Supervision to the Board of Public Safety.

Signed by the Governor: May 3, 2018

Effective Date: July 1, 2018

HB 906 – Public records; public disclosure of personal information of certain foster parents; exclude

House Author: Rep. Katie Dempsey (R – Rome)
Senate Sponsor: Sen. John Kennedy (R – Macon)

HB 906 amends Article 4 of Chapter 18 of Title 50 to exclude public disclosure of personal information of certain foster parents or former foster parents.

Signed by the Governor: May 8, 2018

Effective Date: Part IV upon Approval; Part II and Part III on July 1, 2018; Part I on July 1, 2020.

HB 907 – Public officers and employees; appointment and election of successor in event of vacancy in the office of district attorney; provide

House Author: Rep. Barry Fleming (R – Harlem)
Senate Sponsor: Sen. Jesse Stone (R – Waynesboro)

HB 907 amends Chapter 5 of Title 45 of the O.C.G.A. to allow the Governor to appoint an individual to the office of district attorney in the case of vacancy and for that individual to take part in a special election held on the statewide November primary more than six months after their appointment. If the individual is subsequently elected, they begin a new four-year term on January 1 of the year immediately following the special election.

Signed by the Governor: March 22, 2018

Effective Date: March 22, 2018

GENERAL cont.

HB 920 – Domestic relations; department’s information concerning the parties to an adoption under certain circumstances; allow for the use

House Author: Rep. Katie Dempsey (R – Rome)
Senate Sponsor: Sen. Fran Millar (R – Atlanta)

HB 920 amends Article 1 of Chapter 8 of Title 19 of the O.C.G.A. relating to general provisions for adoption. It allows the Division of Family and Children Services to use or send information concerning parties to an adoption to the Office of Child Advocate for the Protection of Children when, after an adoption, such child dies, suffers a near fatality, or is the alleged victim of child abuse or neglect.

Signed by the Governor: May 8, 2018
Effective Date: July 1, 2018

SB 301 – “Revised Uniform Fiduciary Access to Digital Assets Act”; enact

Senate Author: Sen. John Kennedy (R – Macon)
House Sponsor: Rep. Barry Fleming (R – Harlem)

SB 301 amends Title 53 of the O.C.G.A., relating to wills, trusts, and administration of estates. It extends a fiduciary’s powers to include managing tangible property and digital assets. SB 301 also amends Chapter 6B of Title 10, Article 2 of Chapter 9 of Title 15, Title 29, and Code Section 53-12-2 relating to the “Uniform Power of Attorney Act,” which extends the power of attorney to cover digital assets and electronic communications of minors or wards.

Signed by the Governor: May 8, 2018
Effective Date: July 1, 2018

SB 336 – Georgia Bureau of Investigation; general provisions; subpoena issued for production of electronic communication; not provide notice to the subscriber

Senate Author: Sen. Renee Unterman (R – Buford)
House Sponsor: Rep. Andrew Welch (R – McDonough)

SB 336 amends Code Section 1-3-35 of the O.C.G.A., relating to the Georgia Bureau of Investigation (G.B.I.). It prevents electronic communication service providers or re-

mote computing service providers from notifying a customer of a subpoena from the G.B.I. when it is examining that customer’s certain offenses against minors or those involving sex trafficking.

Signed by the Governor: May 6, 2018
Effective Date: July 1, 2018

SB 376 – Identity Theft; consumer credit reporting agencies charging a fee for placing/removing a security freeze; prohibit

Senate Author: Sen. David Shafer (R – Duluth)
House Sponsor: Rep. Scot Turner (R – Holly Springs)

SB 376 amends Title 43 of the O.C.G.A. It prohibits credit reporting agencies from charging a fee for placing or removing a security freeze on a consumer’s account.

Signed by the Governor: May 3, 2018
Effective Date: July 1, 2018

SB 406 – “Georgia Long-term Care Background Check Program” enact; public safety; promote

Senate Author: Sen. Brian Strickland (R – McDonough)
House Sponsor: Rep. Chuck Efstation (R – Dacula)

SB 406 establishes the Georgia Long-Term Care Background Check program which will require comprehensive criminal background checks for owners, employees, and applicants of various long-term care, hospice, and home care providers. The background check will be required for new applicants beginning on October 1, 2019 and existing employees and owners will have until January 1, 2021 to provide the required information to the Department of Community Health.

Signed by the Governor: May 7, 2018
Effective Date: October 1, 2019

LOCAL (Compensation/General/Elections/Fines & Fees)

HB 442 – Clayton County; State Court; provide for the salaries of judges

House Author: Rep. Mike Glanton (D – Jonesboro)

HB 442 amends a State Court of Clayton County Act by adding that each judge of the State Court of Clayton County should receive a salary of 89 percent of the then-current total compensation, including base salary and other supplements. For each year served after July 1, 2006, the judge will receive a 1 percent increase of the compensation, up to a maximum of 95 percent.

Signed by the Governor: May 3, 2018

Effective Date: May 3, 2018

HB 557 – Clayton County; Probate Court; change compensation of judge

House Author: Rep. Valencia Stovall (D – Forest Park)

HB 557 amends an act placing the judge of the Probate Court of Clayton County on an annual salary by revising Section 1 to make the judge's salary equal to 90 percent of the salary of the superior court judge, including supplements.

Signed by the Governor: May 3, 2018

Effective Date: May 3, 2018

HB 558 – Clayton County; Superior Court; compensation of sheriff; change provisions

House Author: Rep. Valencia Stovall (D – Forest Park)

HB 558 amends an act placing the sheriff and clerk of the Superior Court of Clayton County on an annual salary, by setting the sheriff's salary at \$143,933 plus any supplements and additional compensation. The County may increase the number of supplements or compensation for additional duties.

Signed by the Governor: May 3, 2018

Effective Date: May 3, 2018

HB 610 – Clayton Judicial Circuit; judges of superior court; increase county supplement to state salary

House Author: Rep. Mike Glanton (D – Jonesboro)

HB 610 supplements the salaries of the judges of the superior court of the Clayton Judicial Circuit. In addition to their salary, they shall receive a supplement of \$50,000 per annum, paid in equal installments.

Signed by the Governor: May 3, 2018

Effective Date: May 3, 2018

HB 618 – Skidaway Island, City of; incorporate

House Author: Rep. Jesse Petrea (R – Savannah)

HB 618 incorporates the City of Skidaway Island. It determines the boundaries of the city, enumerates its powers, provides for a governing authority and a municipal court, and allows for taxation and fees.

Signed by the Governor: May 7, 2018

Effective Date: Sections 1.10, 1.11, and 9.11 become effective upon Approval; Remaining provisions effective July 1, 2019

HB 626 – Sharon Springs, City of; incorporate

House Author: Rep. Todd Jones (R - South Forsyth)

HB 618 incorporates the City of Sharon Springs. It determines the boundaries of the city, enumerates its powers, provides for a governing authority and a municipal court, and allows for taxation and fees.

Signed by the Governor: March 12, 2018

Effective Date: Section 8.10 becomes effective upon approval of the Governor or upon its becoming law without such approval. Section 8.13 becomes effective upon approval of the referendum. All other sections become effective on December 31, 2018.

HB 808 – Courts; term of court in certain counties in Waycross Circuit; change

House Author: Rep. Chad Nimmer (R – Blackshear)

Senate Sponsor: Sen. Tyler Harper (R – Ocilla)

HB 808 amends Code Section 15-6-3 of the O.C.G.A. to change the court terms in Bacon, Brantley, Charlton, Coffee, Pierce, and Ware counties in the Waycross Circuit.

Signed by the Governor: May 3, 2018

Effective Date: January 1, 2019

HB 934 – Thomas County; Magistrate Court chief judge; provide nonpartisan elections

House Author: Rep. Darlene Taylor (R – Thomasville)

HB 934 provides that future elections for the office of chief judge of the Magistrate Court of Thomas County be nonpartisan elections.

Signed by the Governor: May 3, 2018

Effective Date: May 3, 2018

LOCAL (Compensation/General/Elections/Fines & Fees)

HB 986 – Waycross Judicial Circuit; judges of superior courts; increase supplements

House Author: Rep. Chad Nimmer (R – Blackshear)

HB 986 increases the county supplement for Superior Court Judges in the Waycross Judicial Circuit.

Signed by the Governor: May 8, 2018

Effective Date: May 8, 2018

HB 1035 – Muscogee County; Magistrate Court to impose and collect county law library fees; authorize

House Author: Rep. Calvin Smyre (D – Columbus)

HB 1035 authorizes the Magistrate Court of Muscogee County to impose and collect law library fees as part of the court costs in the magistrate court.

Signed by the Governor: May 8, 2018

Effective Date: June 7, 2018

HB 1044 – Southern Judicial Circuit; superior court judges; increase supplement to compensation

House Author: Rep. Jason Shaw (R – Lakeland)

HB 1044 increases the county supplement paid to the Superior Court Judges of the Southern Judicial Circuit. The new supplement will be \$40,000 and each county within the circuit will pay a set percentage of this supplement.

Signed by the Governor: May 8, 2018

Effective Date: May 8, 2018

HB 1048 – Blue Ridge Judicial Circuit; Superior Court judges; increase compensation

House Author: Rep. Mandi Ballinger (R – Canton)

HB 1048 increases the county supplement paid to the Superior Court Judges of the Blue Ridge Judicial Circuit. The new supplement is set at \$46,525.00.

Signed by the Governor: May 8, 2018

Effective Date: October 1, 2018

HB 1049 – Cherokee County; State Court judges; modify compensation

House Author: Rep. Mandi Ballinger (R – Canton)

HB 1049 modifies the compensation paid to the judges of the State Court of Cherokee County. Such judges will not receive compensation equal to 90% of the base salary paid to a judge of the Superior Court of Cherokee County along with a \$6000 annual supplement.

Signed by the Governor: May 8, 2018

Effective Date: October 1, 2018

SB 263 – City of Eagles Landing; incorporate; charter; provide

Senate Author: Sen. Rick Jeffares (R – McDonough)

House Sponsor: Rep. Dale Rutledge (R – McDonough)

SB 263 incorporates the City of Eagle's Landing. It determines the boundaries of the city, enumerates its powers, provides for a governing authority and a municipal court, and allows for taxation and fees.

Signed by the Governor: May 8, 2018

Effective Date: May 8, 2018 for aspects provisions for a special election. Provisions necessary for the special election to be held during the 2018 November general election are effective upon approval of the referendum. All other parts of the bill become effective January 1, 2019.

SB 286 – State Court of Troup County; charge and collect a technology fee for certain filings; authorize

Senate Author: Sen. Matt Brass (R – Newnan)

House Sponsor: Rep. Robert Trammell (D – Luthersville)

SB 286 will authorize the State Court of Troup County to charge and collect a technology fee for certain filings. This fee is set by the chief judge for the filing of each civil action with the court and shall not exceed \$15.00.

Signed by the Governor: May 3, 2018

Effective Date: May 3, 2018. Stands repealed on June 30, 2023

SB 389 – State Court of Houston County; location of state court; provide

Senate Author: Sen. Larry Walker III (R – Perry)

House Sponsor: Rep. Shaw Blackmon (R – Bonaire)

SB 389 provides for the location of the State Court of Houston County.

Signed by the Governor: May 3, 2018

Effective Date: July 1, 2018

PUBLIC SAFETY & TRAFFIC

HB 635 – Disabled Adults and Elder Persons Protection Act; at-risk adult protection investigative/ coordinating teams; provide establishment

House Author: Rep. Sharon Cooper (R – Marietta)
Senate Sponsor: Sen. Renee Unterman (R – Buford)

HB 635 amends Chapter 5 of Title 30 of the O.C.G.A. to grant the district attorney of each judicial circuit the authority to establish an Adult Abuse, Neglect, and Exploitation Multidisciplinary Team. This team would be used to coordinate the investigations of alleged abuses of disabled and elderly adults. The bill further provides for criminal and civil immunity for anyone who participates in such a team's investigation. Finally, the bill outlines the reporting requirements of and the team and outlines which groups can have access to the team's investigation records.

Signed by the Governor: May 7, 2018
Effective Date: July 1, 2018

HB 673 – Motor vehicles; prohibit actions which distract a driver while operating a motor vehicle; provisions

House Author: Rep. John Carson (R – Marietta)
Senate Sponsor: Sen. P.K. Martin IV (R – Lawrenceville)

HB 673 amends Title 40 of the O.C.G.A. to clarify the definition of a violation of the usage of wireless telecommunication device requirements, while broadening the scope of what constitutes distracted driving and increasing its penalties. It defines a wireless telecommunication device and prohibits a driver to hold or support such device with any part of his/her body while driving. It also forbids the driver from writing, sending, or reading any text-based communication, unless the command is voice-based or the device is used for global positioning system purposes. It further bans a driver from watching or recording a video while driving. Those convicted shall be guilty of a misdemeanor. The fee for a first conviction is no more than \$50, followed by no more than \$100 for a second conviction, and no more than \$150 for a third or subsequent conviction within 24 months.

Signed by the Governor: May 2, 2018
Effective Date: July 1, 2018

HB 809 – Motor vehicles; Georgia State Patrol motor vehicles for traffic law enforcement may be a solid color; provide

House Author: Rep. Bill Hitches (R – Rincon)
Senate Sponsor: Sen. Tyler Harper (R – Ocilla)

HB 809 amends Code Section 40-8-91 of the O.C.G.A. to provide that a motor vehicle used by any employee of the Georgia State Patrol for the enforcement of traffic laws may be a solid color.

Signed by the Governor: May 3, 2018
Effective Date: July 1, 2018

HB 867 – Georgia Peace Officer Standards and Training Council; quorum for transaction of business; revise

House Author: Rep. Bill Hitchens (R – Rincon)
Senate Sponsor: Sen. Tyler Harper (R – Ocilla)

HB 867 amends Chapter 8 of Title 35 of the O.C.G.A. to increase the quorum for the Georgia Peace Officer Standards and Training Council from 7 members to 11, to clarify that peace officers may retain their weapon and badge upon retirement, to repeal the requirement that peace officers wait 30 days before retaking a failed entrance exam, and to repeal the requirement for the training and certification of police chaplains.

Signed by the Governor: May 3, 2018
Effective Date: July 1, 2018

HB 978 – Motor vehicles; automated traffic enforcement safety devices in school zones; provisions

House Author: Rep. Chad Nimmer (R – Blackshear)
Senate Sponsor: Sen. Brandon Beach (R – Alpharetta)

HB 978 amends Article 8 of Chapter 6 of Title 40 and Article 2 of Chapter 14 of Title 40 of the O.C.G.A. to allow drivers of a vehicle to pass a stopped bus on the opposite of a divided highway or highway divided by a turn lane. It reduces civil monetary penalty for overtaking a stopped bus driver to \$250.00 to be paid to the governing body of the law enforcement agency. It defines the term "agent" for the subsection. Finally, it provides for automated traffic enforcement safety devices in school zones.

Signed by the Governor: May 8, 2018
Effective Date: July 1, 2018

VETOED BY THE GOVERNOR

<https://gov.georgia.gov/>

(To view a complete list of the bills vetoed by Governor Deal, please click [here](#).)

[HB 410 – Condominiums; certain fees imposed on purchasers; provide for limits](#)

House Author: Rep. Alan Powell (R – Macon)

Senate Sponsor: Sen. William Ligon, Jr. (R – Brunswick)

HB 410 amends Chapter 3 of Title 44 of the O.C.G.A. by adding that no condominium or property owner's association instrument after July 1, 2017 can impose a capital contribution, start-up fund assessment, initiation fee, contribution to capital reserve accounts, or other types of reserves to exceed 1/12 of the current annual dues. This bill changes language to suggest that late fees can be paid electronically to the management company or its agent within 10 days. The management company can charge an expedited fee of \$50 and an additional \$25 fee for reprinting.

Governor's Veto Statement: "House Bill 410 provides a list of information that home owners associations, property owners associations, and condominium owners associations would be required to provide to a homeowner upon request and caps the fees the association could charge for producing and transferring that information. First, the cap provided by HB 410 is, to my knowledge, lower than that of any other state in the nation with such a cap and may not be sufficient to cover costs of providing the information required, which could result in increased costs to association members. Second, such associations often contract with private parties to provide these services so that association members need not complete the tasks personally, on behalf of the association. Consequently, it appears that HB 410 could impose burdensome responsibilities on associations and their members and, regardless, absent sufficient justification, parties should generally be left alone to dicker the terms of their private agreements without government intrusion. For the foregoing reasons, I VETO HB 410."

[HB 441 – Trusts; establish qualified self-settled spendthrift trusts; provisions](#)

House Author: Rep. Barry Fleming (R – Harlem)

Senate Sponsor: Sen. Bill Cowser (R – Athens)

HB 441 amends Chapter 12 of Title 53 of the O.C.G.A. Article 5A defines independent qualified trustees, qualified interests, qualified self-settled spendthrift trusts, and qualified trustees and their limits. No trust shall be considered revocable because of a power of appointment, the qualified interest in the trust, a right of a settlor to receive income, the potential or actual receipt of income, annual receipt by the settlor, the right of a settlor to remove a trustee, the potential or actual use of real property by a settlor, or the ability of the qualified trustee to pay upon death of a settlor. A beneficiary may withdraw their entire beneficial interest when such a right has lapsed, been released, or otherwise expired. A qualified self-settled spendthrift trust cannot collect alimony or child support.

Governor's Veto Statement: "House Bill 441 would allow for the creation and use of self-settled spendthrift trusts—also known as self-settled asset protection trusts. Under current law in Georgia, a spendthrift provision may be included in a trust instrument which, generally, can shield the assets in the trust from certain creditors of a beneficiary. However, a spendthrift provision is inapplicable to a beneficiary who is also a settlor or contributor, to the extent of the contribution to the trust. Self-settled asset protection trusts, as proposed in HB 441, would allow a person to create, or settle, a trust naming the settlor as a beneficiary, while shielding the trust assets from certain creditors. Such trusts have been subject to controversy and scrutiny due to the potential opportunity to shirk creditors while preserving the assets of the trust for distribution to the settlor/beneficiary. In a recent trend, many states have begun permitting self-settled asset protection trusts which were previously prohibited throughout the United States, though a majority continue to prohibit such trust instruments. I commend the authors for their willingness to seek input and adjust the bill throughout the legisla-

VETOED BY THE GOVERNOR cont.

tive process, but am concerned of possible unintended consequences presented by a complex new estate planning tool. Though I do not dismiss the potential merit of these proposed trust instruments in comprehensive estate planning, I have not yet been convinced of the need for such trusts in Georgia. As a state, we want to ensure that the creditor-debtor relationship is an equitable one that facilitates economic prosperity and mobility, and self-settled spendthrift trusts—without proper safeguards—have the potential to negatively impact this balance. For the foregoing reasons, I VETO HB 441.”

HB 912 – Spalding County; State Court; provide for imposition of court costs in certain criminal cases

House Author: Rep. David Knight (R – Griffin)

HB 912 amends an Act creating the State Court of Spalding County. It imposes court costs in certain criminal cases on the defendant. Failure to appear for a scheduled court appearance pursuant to a citation or court notice will also be fined.

Governor’s Veto Statement: “House Bill 912 allows the Spalding County State Court to impose additional fees of up to \$50 on any court cost associated with a guilty or nolo contendere plea. The bill also authorizes a failure to appear fee which can amount to as much as \$100. I believe these additional costs are unnecessary and impose a significant burden on those appearing in the Spalding County State Court. County appropriations should be sufficient to support the expenses of this court without placing fees on individuals in addition to the substantial court costs already imposed. For this reason, I VETO HB 912.”

HB 1047 – Washington County; State Court; charge technology fee

House Author: Rep. Mack Jackson (D – Sandersville)

HB 1047 allows the State Court of Washington County to charge a technology fee for each civil case filed and each criminal fine imposed.

Governor’s Veto Statement: “House Bill 1047 permits the State Court of Washington County to collect a \$15.00 fee as a surcharge to each fine paid in the court. The money collected from the fee would be earmarked to fund various technology improvements for the Washington County Sheriff’s Office and disbursed at the discretion of the Sheriff. I am not convinced that the installation of a new fee is necessary for funding technology in the Sheriff’s Office; such costs of modernization and technological improvement should be borne by existing or future local government appropriations, not by those appearing in court. For this reason, I VETO HB 1047.”

SB 315 – Computer Crimes; create a new crime of unauthorized computer access; penalties; provide

Senate Author: Sen. Bruce Thompson (R – White)

House Sponsor: Rep. Christian Coomer (R – Cartersville)

SB 315 amends Part 1 of Article 6 of Chapter 9 of Title 16 of the O.C.G.A. This bill creates a new crime of unauthorized computer access which is defined as intentionally accessing a computer or computer system without authority. Those convicted will be punished for a misdemeanor of a high and aggravated nature.

Governor’s Veto Statement: Senate Bill 315 proposes to create the crime of unauthorized computer access. The intent of this legislation is to strengthen cyber security laws to protect national security interests and to safeguard sensitive or private information of government, citizens, and consumers.

As technology continues to advance and evolve in the digital age, a robust discussion on cyber security policy that meets the needs of the public and industry stakeholders is of critical importance. Georgia’s emergence as a leader in cyber technology, particularly the presence of U.S. Army Cyber Command, the state’s Cyber Range, and a wide range of private tech companies and cyber research institutions, further necessitates the need for comprehensive cyber security debate, discussion, and measures.

VETOED BY THE GOVERNOR cont.

Under the proposed legislation, it would be a crime to intentionally access a computer or computer network with knowledge that such access is without authority. However, certain components of the legislation have led to concerns regarding national security implications and other potential ramifications. Consequently, while intending to protect against online breaches and hacks, SB 315 may inadvertently hinder the ability of government and private industries to do so.

After careful review and consideration of this legislation, including feedback from other stakeholders, I have concluded more discussion is required before enacting this cyber security legislation. The work done this session by the legislation's sponsors and stakeholders provides a solid foundation for continued collaboration on this issue.

It is my hope that legislators will work with the cyber security and law enforcement communities moving forward to develop a comprehensive policy that promotes national security, protects online information, and continues to advance Georgia's position as a leader in the technology industry.

For the foregoing reasons, I VETO SB 315."

SB 338 – Administrative Procedure; agency rule making; modify requirements

Senate Author: Sen. William Ligon (R – Brunswick)

House Sponsor: Rep. Wendell Willard (R – Sandy Springs)

SB 338 amends Article 1 of Chapter 13 of Title 50 of the O.C.G.A. It modifies the requirements for agency rule making by (1) extending the filing of notice deadline to at least 60 days prior to the date of adoption and (2) updating and clarifying wording within the Code Section.

Governor's Veto Statement: "Senate Bill 338 significantly modifies requirements for agency rule making under the Administrative Procedure Act, requiring agencies to file a notice of intent to adopt or amend a

rule at least 60 days prior to the effective date of the proposed adoption, and hold a meeting on adoption at least 30 days after the issuance of the notice and at least 30 days prior to the proposed rule's effective date. Second, SB 338 gives the General Assembly more time and eases statutory requirements to override a new or amended rule; the General Assembly could take up the override of a proposed rule at any point during the legislative session and such an override would not be subject to a gubernatorial veto, moreover, in some circumstances, a bare majority of a legislative committee could hold a proposed rule in limbo until the 40th day of the next legislative session. It is my firm opinion that the current Administrative Procedure Act provides sufficient safeguards in the instances that SB 338 addresses—requiring 30 days-notice of an agency action, permitting legislative committees to object to the rule and override such rule by a simple majority subject to gubernatorial consent or by a two-thirds vote without signature of the Governor, and requiring any action taken to override a veto be completed prior to the 30th day of the legislative session. In addition to unnecessarily ceding power from the executive branch and slowing the ability of state government to respond by way of agency rulemaking, SB 338 places those who are subject to regulation of state agencies on unstable ground, possibly jeopardizing our state's business climate. For the foregoing reasons, I VETO SB 338."

SB 342 – Licensing of Motor Vehicles; owner with valid license plate without the required revalidation decal to retain custody of vehicle under certain conditions; permit

Senate Author: Sen. Marty Harbin (R – Tyrone)

House Sponsor: Rep. Timothy Bar (R – Lawrenceville)

SB 342 amends Article 1 of Chapter 2 of Title 40 the O.C.G.A. to allow the owner or operator of a vehicle to retain custody of the vehicle if they have an expired tag. The bill also allows for the dismissal of the citation if the owner shows the court that their registration is up to date.

VETOED BY THE GOVERNOR cont.

Governor's Veto Statement: "Senate Bill 342 would allow a vehicle owner to retain possession of his or her vehicle upon being cited for failing to have the required revalidation decal affixed upon the license plate if such an owner provides evidence to the court that he or she has attached the decal since being cited. Current law, however, already provides a mechanism by which an owner may retain possession of his or her vehicle upon a violation—that is, if the owner shows to the court that the revalidation decal had been properly applied for but had not yet been received before being cited. This legislation would diminish the deterrent enforcement of revalidation decal violations and is unnecessary given the leniency exception already provided by law. For the foregoing reasons, I VETO SB 342.

2018 STUDY COMMITTEES

HR 913 – House Study Committee on Incorporating Law Enforcement in the Pathway to Treatment and Social Services for Persons Having Challenges with Drug Use and Mental Health; create

Sponsor: Rep. Paulette Rakestraw (R – Hiram)

HR 1260 – House Study Committee on Juvenile Court Judges; create

Sponsor: Rep. Mandi Ballinger (R – Canton)

SR 1170 - Senate Study Committee on Local Government Fees

Sponsor: Sen. Jack Hill (R – Reidsville)

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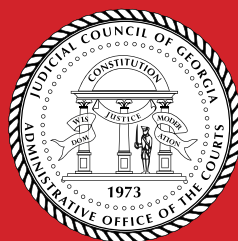
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